

Steven W. Troxler Commissioner

# North Carolina Department of Agriculture and Consumer Services Veterinary Division

R. Douglas Meckes, DVM State Veterinarian

April 22, 2016

Ryanne Jackson Pooch Pad Grooming by Ryanne, Inc. 211 Railroad Street Fuquay Varina, North Carolina 27526

Notice of Warning and Notice of Deficiency

Re: Title 02, N. C. Administrative Code ("NCAC") Chapter 52J, Section .0201(j).

AWS-WL-2016-13

Boarding Kennel: Pooch Pad Grooming by Ryanne, Inc.

License No. 11,120

Dear Ms. Jackson:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N. C. Department of Agriculture and Consumer Services ("NCDA&CS") received information concerning the death of a puppy that occurred while the puppy was in the care of Pooch Pad Grooming by Ryanne, Inc. ("the kennel"). Based on this information, AWS initiated an investigation. The investigation included a site visit, interviews with kennel staff and a review of relevant records.

The investigation revealed that a kennel staff member brought the puppy into the grooming area where 4-5 other dogs were being housed. One of the dogs attacked the puppy while he was in the arms of the staff member. The staff member was able to free the puppy and the kennel staff took the puppy immediately to a veterinary hospital. Despite veterinary care, the puppy died.

Staff members indicated that the grooming area was used as a play or exercise area during inclement weather. At no point during prior inspections did the kennel staff notify AWS that the grooming area was being used as anything other than for grooming. Thus this area had not been inspected.

AWS hereby notifies the owner of the kennel that any area used for confining an animal is subject to inspection. Failure to notify AWS of an area in which animals are or will be confined will be considered to be a violation of 02 NCAC .0201(j).

This Warning Letter and Notice of Deficiency serves as written warning that continued or future violation of the N. C. Animal Welfare Act and the rules issued pursuant thereto may result in disciplinary action

against your facility's license pursuant to N. C. General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N. C. General Statute §19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,

Patricia Norris, DVM, MS Director of Animal Welfare Section

**Veterinary Division** 

#### Enclosure

cc: Dr. R. Douglas Meckes, State Veterinarian

Joe Reardon, Assistant Commissioner, NCDA&CS

Tina Hlabse, General Counsel, NCDA&CS

Christopher R. McLennan, Assistant Attorney General

### Appendix

# RELEVANT LAWS AND REGULATIONS

## § 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

#### § 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

## **SECTION .0200 - FACILITIES AND OPERATING STANDARDS**

#### 02 NCAC 52J .0201 GENERAL

(j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).

History Note:

Authority G.S. 19A-24; Eff. April 1, 1984;

Amended Eff. January 1, 2005.